

1 BROOKS R. BROWN (SBN 250724)
2 *bbrown@goodwinlaw.com*
3 **GOODWIN PROCTER LLP**
4 901 New York Avenue NW
Washington, DC 20001
Tel.: +1 202 346 4000
Fax.: +1 202 346 4444

5 LAURA A. STOLL (SBN 255023)
6 *lstoll@goodwinlaw.com*
7 **GOODWIN PROCTER LLP**
8 601 S. Figueroa Street, 41st Floor
Los Angeles, CA 90017
Tel.: +1 213 426 2500
Fax.: +1 213 623 1673

9 Attorneys for Defendant
10 QUICKEN LOANS INC.

11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**
13 **WESTERN DIVISION**

14 AMANDA HILL, individually and on
15 behalf of all others similarly situated,

16 Plaintiff,

17 v.

18 QUICKEN LOANS INC.,

19 Defendant.

Case No. 5:19-cv-00163-FMO-SP

**REQUEST FOR JUDICIAL NOTICE
IN SUPPORT OF QUICKEN LOANS
INC.'S MOTION TO DISMISS
PLAINTIFF'S COMPLAINT**

Date: April 25, 2019
Time: 10:00 a.m.
Courtroom: 6D
Judge: Hon. Fernando M. Olguin
350 W. 1st Street, 6th Floor,
Los Angeles, CA 90012

Filed concurrently with:

1. Notice of Motion and Motion;
2. Memorandum;
3. Declaration of Amy Griffin; and
4. Proposed Order

REQUEST FOR JUDICIAL NOTICE

Pursuant to Federal Rule of Evidence 201 and supporting case law, Defendant QUICKEN LOANS INC. (“Quicken Loans”) respectfully requests that in considering its Motion to Dismiss Plaintiff’s Complaint (“the Motion”), this Court take judicial notice of the following document:

1. **Exhibit A** to the concurrently filed Declaration of Amy Griffin (“Griffin Declaration”), which is a true and correct copy of a government record publicly available on the Federal Trade Commission’s website at <https://www.donotcall.gov/confirm/conf.aspx> and retrieved on March 14, 2019. The significance of this document is explained in the Memorandum in Support of the Motion to Dismiss (at pp. 3-5).

This request is based upon the accompanying Memorandum of Points and Authorities in support, the document submitted as Exhibit A to the Griffin Declaration, the pleadings and papers on file, and upon any additional argument or evidence permitted at the hearing on Quicken Loans’ Motion to Dismiss.

Respectfully submitted,

Dated: March 18, 2019

By: /s/ Brooks R. Brown
BROOKS R. BROWN
bbrown@goodwinlaw.com
LAURA A. STOLL
lstoll@goodwinlaw.com
GOODWIN PROCTER LLP

Attorneys for Defendant:
QUICKEN LOANS INC.

MEMORANDUM OF POINTS AND AUTHORITIES

A Court may properly consider documents subject to judicial notice in deciding a motion to dismiss. *See Outdoor Media Group, Inc. v. City of Beaumont*, 506 F.3d 895, 899 (9th Cir. 2007). Documents outside of the complaint that are capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned are proper for judicial notice. Fed. R. Evid. 201(b)(2). Relevant here, this Court may take judicial notice of public records available on government websites. *E.g., Coppes v. Wachovia Mortg. Corp.*, No. 10-1689, 2010 WL 4483817, at *2-3 (E.D. Cal. Oct. 29, 2010). Federal Rule of Evidence 201 also permits this Court to take judicial notice of factual information found on websites not subject to reasonable dispute and “capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” *E.g., Ebrahimi v. Mentor Worldwide LLC*, 2017 WL 4128976, at *1 (C.D. Cal. Sept. 15, 2017) (Gee, J.) (citing Fed. R. Evid. 201(b)). “This is particularly true of information on government agency websites, which have often been treated as proper subjects for judicial notice.” *Paralyzed Veterans of Am. v. McPherson*, No. 06-4670, 2008 WL 4183981, *5-6 (N.D. Cal. Sept. 9, 2008); *Arthur v. United Indus. Corp.*, No. 17-06983, 2018 WL 2276636, at *4 (C.D. Cal. May 17, 2018) (Snyder, J.). (“The Court may take judicial notice of publicly available information found on a government agency’s website.”).

The document in this request is a matter of public record and is proper for judicial notice because it originated from the FTC’s website and is capable of accurate and ready determination from that source. Exhibit A to the Griffin Declaration is an automated email generated by the FTC’s National Do Not Call Registry verification website, <https://www.donotcall.gov/confirm/conf.aspx>. This website allows ready confirmation of whether any phone number has been registered on the National Do Not Call Registry by typing in that phone number and providing an email address at which the website can send the verification

1 information. Exhibit A to the Griffin Declaration shows that, according to the
2 FTC's publicly available National Do Not Call Registry, the phone number ending
3 in -9785 that is the subject of Plaintiff's claims was registered on the National Do
4 Not Call Registry on November 18, 2018. Quicken Loans seeks judicial notice of
5 Exhibit A to the Griffin Declaration, which confirms that the subject phone number
6 ending in -9785 was first registered on the National Do Not Call Registry on
7 November 18, 2018. *Arthur*, 2018 WL 2276636, at *4 (granting request for judicial
8 notice of documents "originat[ing] from the FTC's website"); *Paralyzed Veterans of*
9 *Am.*, 2008 WL 4183981, *5-6 (taking judicial notice of information appearing on
10 and printed from official government websites); *Coppes*, 2010 WL 4483817, at *2
11 (taking judicial notice of Federal Deposit Insurance Corporation profile and history
12 of Wachovia from the FDIC's official website); *Ebrahimi*, 2017 WL 4128976, at *1
13 (taking judicial notice of defendant's pre-market approval from the Food and Drug
14 Administration); *Erickson v. Boston Sci. Corp.*, 846 F. Supp. 2d 1085, 1088–89
15 (C.D. Cal. 2011) (taking judicial notice of various approval documents for cardiac
16 pacemakers that were published either in the Federal Register or online by the Food
17 and Drug Administration); *Gens v. Wachovia Mortg. Corp.*, No. 10–01073, 2010
18 WL 1924777, at *2 (N.D. Cal. May 12, 2010) (taking judicial notice of a letter
19 issued by the Office of Thrift Supervision confirming World Savings' request to
20 change its name to Wachovia, "as it 'is capable of accurate and ready determination
21 by resort to sources whose accuracy cannot reasonably be questioned'") (quoting
22 Fed. R. Evid. 201(b)(2)).

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CONCLUSION

For the forgoing reasons, Quicken Loans respectfully requests that this Court take judicial notice of Exhibit A and the factual information described therein, which is attached to the Declaration of Amy Griffin in support of Quicken Loans' Motion to Dismiss the Complaint, filed contemporaneously hereto.

Respectfully submitted,

Dated: March 18, 2019

By: /s/ Brooks R. Brown
BROOKS R. BROWN
bbrown@goodwinlaw.com
LAURA A. STOLL
lstoll@goodwinlaw.com
GOODWIN PROCTER LLP

Attorneys for Defendant:
QUICKEN LOANS INC.